

**ITEMS FOR  
DISCUSSION/ACTION**

**Agenda Item # 5**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 12, 2019

**Subject:** Story Pole Policy Exception Request for 4350 El Camino Real Development

**Prepared by:** Sean K. Gallegos, Associate Planner

**Reviewed by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachments:**

1. Approval Resolution No. 2019-41
2. Denial Resolution No. 2019-41
3. Updated Story Pole Policy Exemption Request Letter, October 4, 2019
4. Story Pole Policy Exemption Request Letter, September 4, 2019
5. Alternative Story Pole Placement Plan

**Initiated by:**

Applicant

**Previous Council Consideration:**

September 24, 2019

**Fiscal Impact:**

None

**Environmental Review:**

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

**Policy Question(s) for Council Consideration:**

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

**Summary:**

- The Applicant for the development proposal at 4350 El Camino Real has submitted a second request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.
- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to

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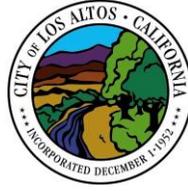
**Reviewed By:**

City Manager

City Attorney

Finance Director

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work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

**Staff Recommendation:**

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.

**Purpose**

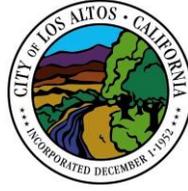
Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City’s Story Pole Policy due to public health and safety concerns and impairment of the use of existing gas station on the site.

**Background**

The Applicant has submitted a design review, conditional use permit and subdivision application for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City’s Story Pole Policy to meet the notification requirements established under the City Council’s Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.



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2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing service station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

The applicant is proposing the following:

- An alternative story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
- The installation of two billboards at the corner of the property facing the intersection showing 3D images and building elevations.

### **Discussion/Analysis**

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

As outlined in the Applicant's original request (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this



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constraint, the Applicant does not believe it is feasible to place all of the story poles in a way that meets the Story Pole Policy's requirements.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

### **Options**

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented

### **Recommendation**

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.